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C. L. Onwuegbuna Esq. Chief Editor

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1562 INDEX OF SUBJECT MATTER IN (2015) 5 KLR

ACCIDENTS - Dangerous driving - Death - Proof - From evidence adduced by PW2 and the medical report - Cause of death could be inferred to be due to the accident (H4) Adeyemo v. State p. 1591

ACCIDENTS - Dangerous driving - Federal highway - Proof - The accident occurred along a road - Which was taken judicial notice of by both lower courts - As federal highway (H5) Adeyemo v. State p. 1591

ACCIDENTS - Dangerous driving - Ingredients - Proof - Prosecution must prove that manner of driving was reckless - That the dangerous driving caused death - And that accident occurred on federal highway (H3) Adeyemo v. State p. 1591

ACCIDENTS - Dangerous driving - Proof - Exhibit C was prima facie evidence of dangerous driving - And a sufficient circumstantial evidence required to sustain a conviction (H1) Adeyemo v. State p. 1591

ACCIDENTS - Proof - Witnesses - Appellant was at liberty to call any of the surviving passengers - As witness to support his case - And should not dictate to prosecution how to carry out its job (H2) Adeyemo v. State p. 1591

ADJOURNMENTS - Application - Hearing & ruling - Every of such application whether in writing or orally - Must be heard on the merits - And decided upon before proceeding further with the case (H1) Abah v. Monday p. 1569

ALIBI - Plea - Validity - Appellant's failure to raise the defence at earliest time nullifies same - As no burden shifted on the police to investigate (H3) Uche v. State p. 1731

APPEALS - Crime - Evidence - Re evaluation - Is only done where trial court erred in evaluating facts - Thereby empowering appellate court to re examine the whole facts - And come to an independent decision (H4) Ali v. State p. 1611

APPEALS - Justice - Dismissal - Legal practitioner - Mistake of - Dismissal of appellant's appeal based on the inadvertence of his counsel - Is a denial of right to be heard on the merit (H2) Abah v. Monday p. 1569

APPEALS - Dismissal - Subsequent order - Validity of - Having earlier dismissed respondents' appeal - CA became functus officio - And as such its latter order for extension of time - Was made in error (H2) Dakan v. Asalu p. 1691

APPEALS - Dismissal - Validity - Respondent's oral application for dismissal is in order - And court has jurisdiction to strike out or dismiss appeal - Where appellant failed to prosecute same diligently - Save for the exception in this case (H4) Abah v. Monday p. 1569

APPEALS - Dismissal - Want of diligent prosecution - Appeal dismissed on failure to file appellant's brief is final - And the court has no jurisdiction to revive it (H1) Dakan v. Asalu p. 1691

APPEALS - Fresh issue - Leave - Issue of whether the narcotic drug comes within meaning of NDLEA Act s. 11(c)(d) was not before CA - And cannot be raised in SC for the first time without leave (H2) Blessing v. FRN p. 1653

APPEALS - Record - Compilation - CA Rules 2007 - Appellant can compile record upon failure of registrar to do so - And respondent in such a situation is at liberty to compile additional records (H3) Michael v. Bank of the North p. 1711

APPEALS - Record - Completeness of - It is counsel's duty to ensure that record is complete - And a party cannot complain if a ground is not considered - Since he had opportunity to regularize the record (H4) Michael v. Bank of the North p. 1711

APPEALS - Striking out - SC Act ss. 22 & 26 - Where an appeal has been struck out - There is nothing upon which to invoke the sections - To hear and determine the appeal by SC (H5) Abah v. Monday p. 1569

ARMED ROBBERY - Proof - Contradictions - Raised for appellant did not affect credibility of witnesses - Since he was arrested at the crime scene - Hence his involvement in the crime was rightly found (H2) Uche v. State p. 1731

CRIMINAL PROCEDURE - Arraignment - Validity of - There was no breach of requirements of arraignment - As appellant perfectly understood the charge that was read and explained to her (H1) Blessing v. FRN p. 1653

CRIMINAL PROCEDURE - Conviction - Confession - Court can convict on confession alone - Where it is unequivocal as to guilt of accused - Hence retraction of same will not vitiate its admission (H5) Blessing v. FRN p. 1653

CROSS EXAMINATION - Extent of - Provided crucial facts raised in evidence in chief are examined and addressed upon - Cross examination needs not be extensive - Before it could be relevant (H8) Ali v. State p. 1611

DOCUMENTS - Admissibility - Objection - Appellant is to raise issue of non compliance with E.A. s. 57 - When the document was sought to be tendered - But having failed to object - No miscarriage of justice was suffered (H8) Blessing v. FRN p. 1653

DOCUMENTS - Tendering of - Qualification - PW1 being an undisputed narcotic agent - CA rightly held that he was eminently qualified to tender Exhibit 4 (H7) Blessing v. FRN p. 1653

DRUGS - Conviction - Narcotic drug - Prosecution must inter alia prove that the drug is in the possession of accused - That it was knowingly in his possession - And that it is Indian hemp (H3) Blessing v. FRN p. 1653

EVIDENCE - Admissibility of - Basis - Test for admission of a piece of evidence is relevancy - Thus Exhibit 4 being relevant to the facts in

issue is admissible (H6) Blessing v. FRN p. 1653

EVIDENCE - Confession - Validity of - Appellant's statement is confessional as she admitted being in possession of the drug - And voluntariness of same was determined after trial within trial (H4) Blessing v. FRN p. 1653

EVIDENCE - Contradiction - Weight - Contradiction in evidence of prosecution that will be fatal must be substantial - And must relate to the substance of the matter (H1) Uche v. State p. 1731

EVIDENCE - Contradictions - Weight - Inconsistencies in evidence of PW1 are insignificant - And not substantial to have occasioned a miscarriage of justice (H6) Ali v. State p. 1611

EVIDENCE - Crime - Admission - Relevancy - Court in trial proceedings will admit in evidence - Only material facts for the just determination of the case before it (H5) Ali v. State p. 1611

EVIDENCE - Evaluation - Credibility of witness is a matter for trial court - And once conviction is based on credible evidence of single witness - The same shall not be open to question (H7) Ali v. State p. 1611

JUDGMENTS - Appeals - Issue - Bordering on defect in the notice of appeal was settled to finality - And the only option open to a dissatisfied party - Is to appeal against it (H2) Michael v. Bank of the North p. 1711

JUDGMENTS - Setting aside - Court can set aside its previous decision in cases of lack of jurisdiction - Or fraud which must be connected to everything adjudicated upon (H1) Michael v. Bank of the North p. 1711

LEGAL PRACTITIONERS - Signature - Brief - Conduct of - When counsel is briefed by a party - He is empowered to do those things which the party is supposed to do - Except where the law demands

otherwise (H3) Abah v. Monday p. 1569

MURDER - Actus reus - Proof - Credible evidence adduced by PW1 - Who was the only direct eye witness to the incident - Is sufficient proof that act of appellant caused the death (H2) Ali v. State p. 1611

MURDER - Death - Proof - From evidence of PW2 which corroborated that of PW1 - And the medical report presented by PW4 - There is no contradiction that the deceased is dead (H1) Ali v. State p. 1611

MURDER - Evidence - Credibility of - Tainted witness - PW1 was not tainted witness but a witness of truth - Whose evidence was properly evaluated by trial court and affirmed by CA (H10) Ali v. State p. 1611

MURDER - Evidence - Witnesses related to deceased - Nkebisi v. State - Such relationship does not disqualify them as prosecution witnesses - As what is vital is their credibility (H9) Ali v. State p. 1611

MURDER - Mens rea - Proof - The use of axe on very sensitive part of the body - Is a confirmation that appellant intended death as the natural consequence of his act (H3) Ali v. State p. 1611

MURDER - Proof - Cause of death - Instrument used - It is enough that deceased was struck with a heavy weapon at the head - Hence it did not matter whether the instrument was an axe or machete (H11) Ali v. State p. 1611

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Constitution of the Federal Republic of Nigeria 1999, s. 233(2) Michael v. Bank of the North p. 1711, ss. 36(6) Abah v. Monday p. 1569, s. 36 Blessing v. FRN p. 1653

Court of Appeal Act, s. 25 Michael v. Bank of the North p. 1711

Court of Appeal Practice Direction 2013, O. 2, 3, 9 Abah v. Monday p. 1569

Court of Appeal Rules 2002, O. 3 rr. 3 & 4, O. 5 r. 3 Dakan v. Asalu p. 1691

Court of Appeal Rules 2011, O. 8 rr. 4, 5, 18 Abah v. Monday p. 1569

Criminal Procedure Act LFN 2004, s. 215 Blessing v. FRN p. 1653

Evidence Act 2011, s. 135(1) Ali v. State p. 1611, s. 135(1) Uche v. State p. 1731, ss. 55(1), 57 Blessing v. FRN p. 1653

Federal High Court Act Cap. F12 LFN 2004, s. 33(2) Blessing v. FRN p. 1653, ss. 5, 6(1) Adeyemo v. State p. 1591

National Drug Law Enforcement Agency Act Cap. N30 LFN 2004, ss. 11(c), 19 Blessing v. FRN p. 1653

Penal Code, s. 221 Ali v. State p. 1611

Robbery & Firearms (Special Provisions) Act Cap. R11 vol. 14 LFN 2004, ss. 1(2)(a), 2(3) Uche v. State p. 1731

Supreme Court Rules, O. 2 r. 9(1) Michael v. Bank of the North p. 1711